

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Michael David Dobbs

Application No. 10/676,488

Filed: September 30, 2003

For: Method and an Apparatus for
Adjusting a Scanning Target Area
of an Image Reproduction Device

Group Art Unit: 2625

Examiner: SARPONG, Akwasi

Conf. No.: 1706

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to Appellants' filing of an Appeal Brief on March 13, 2009, the Examiner of this application reopened prosecution with a non-final Office Action dated June 22, 2009 (the "Office Action" or the "Action"). Having reviewed the new grounds of rejection raised in the Office Action of June 22, Appellants hereby request re-instatement of the appeal in this application and files the present, updated Appeal Brief, along with a new Notice of Appeal, in support of the re-instated appeal.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

III. Status of Claims

Claims 1-25 are pending in the application and stand twice rejected. Accordingly, Appellant appeals from the current rejection of claims 1-25, which claims are presented in the Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the current Office Action of June 22, 2009 from which Appellant takes this appeal.

V. Summary of Claimed Subject Matter

Appellant's application describes some embodiments of an image reproduction apparatus or scanning device that involve the use of a number of adjustable shades to allow the user of such a device to crop or avoid certain defects and/or flaws present in an original document. Certain defects or flaws that may be avoided by the present method include, but are in no way limited to, typing marks, writings, stampings, shading, umbrac, etc. (Appellant's specification, paragraph 0016). Appellant's application recites the following subject matter in the below-listed independent claims.

1. An image reproduction apparatus comprising:
a transparent scanning bed (110) (*Appellant's specification, paragraph 0027*);
a scanning device (170, 180) optically coupled to said scanning bed (110) (*Appellant's specification, paragraph 0018*), said scanning device comprising a photoconductive platen (180) (*Appellant's specification, paragraph 0018*) configured to receive light reflected off of an object on said scanning bed (*Appellant's specification, paragraph 0021*); and
an adjustable shade (125, 135, 145, 155) associated with said scanning bed (110) (*Appellant's specification, paragraph 0024*);
wherein said adjustable shade (125) is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed (110) including from an edge of said scanning bed to a leading edge of said adjustable shade (125) (*Appellant's specification, Fig. 2*), an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed (*Appellant's specification, paragraph 0021*).

11. A method of adjusting a target area of an image reproduction apparatus comprising:

selectively covering (702) an edge of a scanning bed (110) by drawing a shade (125) over said edge of said scanning bed (*Appellant's specification, Fig. 2*);

placing (703) said object (e.g., 400) on said drawn shade (125) (*Appellant's specification, Fig. 4*); and

scanning said object (704) (*Appellant's specification, Fig. 7*);

wherein an underside of said shade (125) that is presented to said scanning bed (110) is colored such that said scanning outputs no image of said underside of said shade (124) thereby effectively reducing a size of said scanning bed (*Appellant's specification, paragraph 0021*).

14. An optical scanner with an adjustable shade comprising:

a shade reel (120, 130, 140, 150) disposed at an edge of a scanning bed (110) of said optical scanner (*Appellant's specification, paragraph 0018 and Fig. 2*); and

a shade (125, 135, 145, 155) coupled to said shade reel (*Appellant's specification, paragraph 0024 and Fig. 2*);

wherein an underside of said shade (125) that is presented to said scanning bed (110) is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner (*Appellant's specification, paragraph 0021*).

20. A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:

means for scanning (170, 180) (*Appellant's specification, paragraph 0018*); and

means for selectively covering (125, 135, 145, 155) edges of a scanning bed (110) such that said means for scanning outputs (170, 180) no image markings when scanning said covered portions of said scanning bed (110) (*Appellant's specification, paragraph 0021*);

wherein said means for covering (125, 135, 145, 155) edges of said scanning bed (110) are configured to selectively and statically reduce an effective scanning area of said means for scanning (*Appellant's specification, paragraph 0028*).

VI. Grounds of Rejection to be Reviewed on Appeal

The current Office Action raised only a single rejection.

(1) Claims 1-25 were rejected under 35 U.S.C. § 103(a) as obvious in light of the combined teachings of U.S. Patent No. 6,147,743 to Fredlund et al. (“Fredlund”) and U.S. Patent No. 6,204,937 to Takeda (“Takeda”).

According, Appellant hereby requests review of this rejection in the present appeal.

VII. Argument

(1) Claims 1-25 are patentable over Fredlund and Takeda:

Claim 1:

Claim 1 now recites:

An image reproduction apparatus comprising:
a transparent scanning bed;
a scanning device optically coupled to said scanning bed, *said scanning device comprising a photoconductive platen configured to receive light reflected off of an object on said scanning bed*; and
an adjustable shade associated with said scanning bed;
wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade, *an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.*

(Emphasis added.)

One embodiment of the subject matter of Claim 1 is illustrated in Fig. 2 of

Appellant's specification which is reproduced below.

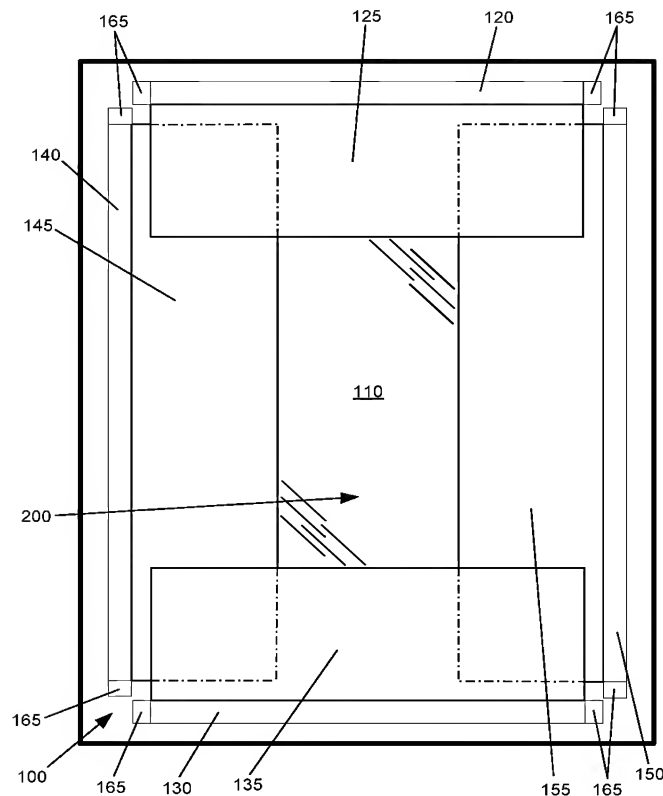


Fig. 2

In contrast, Fredlund teaches a mask or set of masks (Fredlund, Fig. 3) that can be used with a scanner. According to Fredlund, the

mask is placed over the photographic print to indicate an area of the print for copying and an operator control is provided on the copying station for selecting a desired copy size. The copying station includes a logic and control circuit that responds to the signal produced by the scanner to recognize the mask area, separates the image area from the mask area, and resizes the image area to the selected copy size. The resized image is then printed by a printer in the copying station.”
(Fredlund, abstract).

The Office Action concedes, however, that Fredlund fails to teach or suggest significant features of the Appellant’s claim 1. Specifically, the Action states that

Fredlund does not disclose wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of

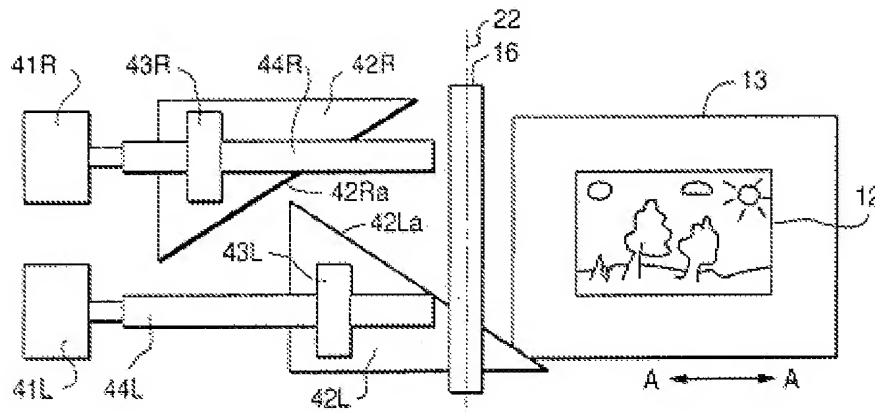
said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade and
an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.
(Action, p. 3).

Appellant agrees that Fredlund does not teach or suggest this subject matter.

In an attempt to remedy these deficiencies of Fredlund, the Action cites to the teachings of Takeda. (Action, p. 4). However, as Appellant will show, Takeda also fails to teach or suggest either of these two features of Appellant's claim that are admittedly lacking in Fredlund.

Takeda teaches the following. "[T]he image reading device has light shielding plates 42L and 42R which are positioned to one side of original cassette 13." (Takeda, col. 5, lines 54-67). Takeda further teaches the "light shielding plates 42L and 42R are formed such that their inner sides 42La and 42Ra are angled with respect to the sub-scan direction" such that "the position at which the light from light source 16 is shaded changes as the plates are moved in relationship to pixel scanning line 22." (Takeda, col. 6, lines 15-19). For reference, Fig. 8 of Takeda is reproduced below.

FIG. 8



As can be seen in the above reproduction of Fig. 8, Takeda teaches the use of light shielding plates 42R, 42L that are selectively advanced and retracted along axis A-A as a cassette 13 *transports* an original document or image 12 along axis A-A past a *stationary* scanning light source 16 that transmits light through the original 12 on the cassette 13 to detecting elements positioned beneath the cassette 13. (Takeda, Fig. 2, col. 6, lines 6-22).

(A) SCANNING BED:

Takeda does not, as alleged in the current Office Action, teach or suggest the claimed adjustable shade that operates relative to a scanning bed which was admittedly missing from the teachings of Fredlund. This must be so because Takeda does not teach or suggest a scanning bed.

As explained in Appellant's specification and according to customary usage in the art, a "scanning bed" is a device, typically including a transparent substrate, that supports a document during scanning. (See, Appellant's specification, paragraphs 0019, 0020 and claims 3-5). Moreover, as is inferred by the language of claim 1 and as stated in Appellant's

specification, “the scanning target area of a scanning device [is traditionally] fixed by the dimensions of the scanning bed.” (Appellant’s specification, paragraph 0023).

It is clear, therefore, that Takeda does not teach or suggest a scanning bed. Rather, Takeda teaches a moving cassette (13) that moves a document to be scanned between a light source and detecting elements. The current Office Action fails to address this discrepancy between the teachings of Fredlund, which do include a scanning bed, and the teachings of Takeda, which do not.

Because Takeda clearly does not teach or suggest the claimed scanning bed, Takeda does not and cannot teach or suggest those elements of claim 1 relative to the recited scanning bed. Specifically, as indicated above, the Office Action relies on Takeda as teaching the claimed adjustable shade configured to be selectively extended over a portion of a scanning bed. However, because Takeda doesn’t teach a scanning bed, Takeda cannot be reasonably be relied upon as teaching the image reproduction apparatus of claim 1 comprising an adjustable shade “wherein said adjustable shade is configured to be selectively extended from a position *adjacent said scanning bed* to cover *a portion of said scanning bed* including *from an edge of said scanning bed* to a leading edge of said adjustable shade.” (Emphasis added).

For at least this reason the rejection of claim 1 based on the combined teachings of Fredlund and Takeda should not be sustained.

(B) COLORED UNDERSIDE

The current Office Action also conceded that Fredlund does not teach or suggest “an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade

thereby effectively reducing a size of said scanning bed.” (Action, p. 3). Thus, the Action must again look to Takeda for this subject matter.

However, Takeda does not teach or suggest this subject matter. Rather, Takeda teaches “light shielding plates 42L and 42R which are positioned to one side of original cassette 13.” (Takeda, col. 5, lines 54-67). These plates simply block light from the light source (16) from reaching the imaging element (21). (Takeda, Fig. 2).

There is no teaching or suggestion in Takeda that these plates have a colored underside that outputs no image when scanned. The color of Takeda’s light shielding plates is irrelevant. Thus, Takeda does not teach or suggest the claimed “underside of said shade presented to said scanning device through said bed *being colored such that* said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.” (Claim 1) (emphasis added). For at least this additional reason, the rejection of claim 1 should not be sustained.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Fredlund and Takeda, did not include the claimed subject matter, particularly an adjustable shade that is “configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade” or “an underside of said shade presented to said scanning device through said bed being colored such that said scanning

device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.” (Claim 1).

The current Office Action expressly concedes that these claim elements are not taught by Fredlund, and Appellant has shown above that such elements are also not taught or suggested by Takeda, nor reasonably could be. Thus, the scope and content of the prior art also does not include these elements of claim 1.

The differences between the cited prior art and the claimed subject matter are significant because the system recited by claim 1 provides a way to shield desired areas of a document from being scanned by a scanning device without requiring the motorized light blocking shields taught by Takeda or the set of masks separate from the scanning device taught by Fredlund. Thus, the claimed subject matter provides feature and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 1 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Fredlund and Takeda of claim 1 and its dependent claims should not be sustained.

Claim 11:

Claim 11 recites:

A method of adjusting the target area of an image reproduction apparatus comprising:

selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed;

placing said object on said drawn shade; and
scanning said object;

wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.

(Emphasis added).

In contrast, as conceded by the current Office Action, Fredlund does not teach or suggest a method of adjusting a target area of an image reproduction apparatus by “selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed.” (Claim 11) (*See* Action, p. 3). Moreover, as also conceded by the Office Action, Fredlund does not teach or suggest “wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.” (Claim 11). As demonstrated above, Takeda does not and cannot remedy these deficiencies of Fredlund.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Fredlund and Takeda, did not include the claimed subject matter, particularly a method of adjusting the target area of an image reproduction apparatus that comprises the steps of “selectively covering an edge of scanning bed by drawing a shade over said edge of said scanning bed” and “wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.” (Claim 11).

The differences between the cited prior art and the claimed subject matter are significant because the system described by claim 11 provides a way to shield desired areas of a document from being scanned by a scanning device without requiring the motorized light blocking shields taught by Takeda or the set of masks separate from the scanning device taught by Fredlund. Thus, the claimed subject matter provides feature and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a

rejection of claim 11 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Fredlund and Takeda of claim 11 and its dependent claims should not be sustained.

Claim 14:

Claim 14 recites:

An optical scanner with an adjustable shade comprising:
a shade reel disposed at an edge of a scanning bed of said optical scanner; and
a shade coupled to said shade reel;
wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.
(Emphasis added).

As noted above, the current Office Action expressly concedes that Fredlund fails to teach or suggest the claimed “*underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.*” (Claim 14) (emphasis added). And, Takeda clearly does not remedy this deficiency. For at least this reason, the rejection of claim 14 should not be sustained.

Additionally, Takeda clearly does not teach or suggest “a shade reel disposed at an edge of a scanning bed of said optical scanner; and a shade coupled to said shade reel.”

Appellant’s specification defines and explains this subject matter as follows.

According to one exemplary embodiment, the shades (125, 135, 145, 155) may be coupled to the shade reels (120, 130, 140, 150) such that the shades (125, 135, 145, 155) are concentrically wrapped around the shade reels in a coil configuration. This coiling will allow the shades (125, 135, 145, 155) to be drawn from the shade reels (120, 130, 140, 150) in such a way as to allow the shades (125, 135, 145, 155) to be retracted back into the shade reels (120, 130, 140, 150) upon completion of their use. The drawing and retracting of the shades (125, 135, 145, 155) to and from the shade reels (120, 130, 140, 150) may be accomplished via a spring loaded reel and lock

system (165) or other suitable mechanism that will allow the shades (125, 135, 145, 155) to be drawn and retracted to a desired location while allowing the shades (125, 135, 145, 155) to remain in their desired positions after they are drawn. (Appellant's specification, paragraph 0028).

The current Office Action alleges that Takeda teaches the claimed shade reels at col. 6, lines 12-22. (Action, p. 9). This is clearly incorrect. The cited portion of Takeda reads as follows.

When motors 41L and 41R are driven by CPU 32, the screws 44L and 44R are rotated. This rotation acts to lever nuts 43L and 43R in the direction of the sub-scan. Light shielding plates 42L and 42R are formed such that their inner sides 42La and 42Ra are angled with respect to the sub-scan direction. Therefore, the position at which the light from light source 16 is shaded changes as the plates are moved in relationship to pixel scanning line 22. As will be readily apparent, the specified areas of the image of original 12 can be masked in the same way as the case in which light transmittance element 24 was used. (Takeda, col. 6, lines 12-22).

This portion of Takeda clearly has nothing to do with the claimed shade reel as defined by Appellant's specification and as such is traditionally understood in the art.

Furthermore, as noted above, Takeda does not teach or suggest a scanning bed. Consequently, Takeda cannot teach the claimed relationship between a shade reel and scanning bed.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Fredlund and Takeda, did not include the claimed subject matter, particularly an optical scanner comprising "a shade reel disposed at an edge of a scanning bed of said optical scanner" and a "a shade coupled to said shade reel" (claim 14). The cited prior art also does not provide "an underside of said shade that is presented to said scanning bed is

colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.” (Claim 14).

The differences between the cited prior art and the claimed subject matter are significant because the “shade reel” and “shade coupled to said shade reel” recited by claim 14 “allow *a user* to draw the shades across the top of the scanning bed thereby limiting the target area of the scanning device.” (Appellant’s specification, paragraph 0024). The systems taught by Fredlund and Takeda do not allow a user to interact with shade elements in this manner. Additionally, the system taught by Takeda requires the use of light shielding plates that are dynamically moved throughout the scanning processes by motors and Fredlund requires the configuration of a scanner device to only scan a unmasked area. Both of these approaches require significant additional development and/or material resources that are not required by the optical scanner taught by claim 14. Thus, the claimed subject matter provides feature and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 14 under 35 U.S.C. § 103 and *Graham*. For at least these reasons, the rejection based on Fredlund and Takeda of claim 14 and its dependent claims should not be sustained.

Claims 7, 10, 16, 17 and 23:

As noted above, claim 7 recites “wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.” Claims 10, 16, 17 and 23 recite similar or related subject matter. Neither Fredlund nor Takeda teach or suggest this subject matter.

In this regard, the current Office Action again cites to Takeda at col. 6, lines 12-20. (Action. p. 6). As noted above, this portion of Takeda reads as follows.

When motors 41L and 41R are driven by CPU 32, the screws 44L and 44R are rotated. This rotation acts to lever nuts 43L and 43R in the direction of the sub-scan. Light shielding plates 42L and 42R are formed such that their inner sides 42La and 42Ra are angled with respect to the sub-scan direction. Therefore, the position at which the light from light source 16 is shaded changes as the plates are moved in relationship to pixel scanning line 22. As will be readily apparent, the specified areas of the image of original 12 can be masked in the same way as the case in which light transmittance element 24 was used.

(Takeda, col. 6, lines 12-22).

This is no mention here of the claimed “spring.” There is clearly no mention of the claimed “shade reel including a spring and a lock mechanism.” (Claim 7).

Consequently, the combination of Fredlund and Takeda clearly fails to include the claimed “adjustable shade further compris[ing] a shade reel including a spring and a lock mechanism.” For at least this additional reason, the rejection of claims 7, 10, 16, 17 and 23 should not be sustained.

Claim 8:

Claim 8 recites “wherein said opaque material is coiled around said shade reel.”

Claims 14-17 recite similar subject matter. As has been amply shown above, none of the cited prior art references teach or suggest a shade reel in the context of the claimed adjustable shade. Therefore, the cited prior art cannot teach or suggest the claimed opaque material coiled around a shade reel as in claim 8. Consequently, the rejection of claims 8 and 14-17 should not be sustained for at least this additional reason.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of November 13, 2008 is respectfully requested.

Respectfully submitted,

DATE: September 21, 2009

/Steven L. Nichols/
Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

VIII. CLAIMS APPENDIX

1. (currently amended) An image reproduction apparatus comprising:
a transparent scanning bed;
a scanning device optically coupled to said scanning bed, said scanning device comprising a photoconductive platen configured to receive light reflected off of an object on said scanning bed; and
an adjustable shade associated with said scanning bed;
wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade, an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image ~~substantially no light is reflected onto said photoconductive platen~~ when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.
2. (previously presented) The image reproduction apparatus of claim 1, wherein said scanning device comprises
a light source configured to illuminate said scanning bed such that said platen obtains a latent image of said object on said scanning bed.
3. (original) The image reproduction apparatus of claim 1, wherein said scanning bed is configured to receive a document.

4. (original) The image reproduction apparatus of claim 3, wherein said scanning bed comprises glass.

5. (original) The image reproduction apparatus of claim 3, wherein said scanning bed comprises plastic.

6. (original) The image reproduction apparatus of claim 1, wherein said adjustable shade comprises an opaque material.

7. (original) The image reproduction apparatus of claim 6, wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

8. (original) The image reproduction apparatus of claim 7, wherein said opaque material is coiled around said shade reel.

9. (original) The image reproduction apparatus of claim 1, further comprising an adjustable shade disposed on each side of said scanning bed.

10. (original) The image reproduction device of claim 9, wherein said adjustable shades are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism.

11. (previously presented) A method of adjusting a target area of an image reproduction apparatus comprising:

- selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed;
- placing said object on said drawn shade; and
- scanning said object;

wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.

12. (original) The method of claim 11, wherein said drawing a shade comprises:

- measuring a distance from said shade to a furthest point of a certain condition; and
- extending said shade equal to said distance.

13. (original) The method of claim 12, wherein said shade comprises an opaque material;

- wherein said opaque material is configured to prevent the scanning of an object.

14. (previously presented) An optical scanner with an adjustable shade comprising:

- a shade reel disposed at an edge of a scanning bed of said optical scanner; and
- a shade coupled to said shade reel;

wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.

15. (previously presented) The adjustable shade of claim 14, wherein said shade comprises opaque material that is concentrically wrapped around said shade reel.

16. (previously presented) The adjustable shade of claim 14, wherein said shade is wound on said reel which further comprises a spring and lock mechanism.

17. (previously presented) The adjustable shade of claim 16, wherein said spring and lock mechanism is configured to permit said shade to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted to said shade reel.

18. (original) The adjustable shade of claim 14, wherein an underside of said shade is configured to reflect an emitted light.

19. (original) The adjustable shade of claim 18, wherein said underside of said shade is white.

20. (previously presented) A scanning device for eliminating unwanted areas of a scanned image, said scanning device comprising:

means for scanning; and

means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed;

wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.

21. (original) The scanning device of claim 20, wherein said means for scanning comprises:

a scanning unit; and

a transparent scanning bed optically coupled to said scanning unit.

22. (previously presented) The scanning device of claim 20, wherein said means for selectively covering comprises:

a shade reel, and

an opaque material coupled to said shade reel.

23. (original) The scanning device of claim 22, wherein said shade reel comprises a spring and lock mechanism configured to allow selective retraction and restoration of said shade reel.

24. (previously presented) The method of claim 11, further comprising using said shade to prevent said scanning from imaging a spine of a bound volume.

25. (previously presented) The method of claim 11, further comprising using said shade to prevent said scanning from imaging a notation on a document.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None